

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ZELAIDO RIVERA GARCIA, et al.

Plaintiffs,

Case No. 09-CV-01996 (JNE-AJB)

v.

DETERMINATION OF SPECIAL MASTER

METRO GANG STRIKE FORCE, et al.

Defendants.

Claimant: Dwight Ewing

Summary of Claim:

Claimant says that on September 20, 2005 MGSF officers stopped a car in which Claimant was a passenger.¹ Claimant says he was arrested and taken to jail. Claimant says that he had in his possession a 9mm pistol which he had just purchased at Bill's Gun Range. He said this pistol was confiscated and never returned. Claimant says he never received a Notice of Forfeiture.

Claimant also says that later in 2005, he was at his mother's house on Portland Avenue South in Minneapolis when MGSF officers suddenly entered and executed a search warrant. Claimant says that the officers took \$30 in quarters and \$700 in cash which was hidden under his mattress in his bedroom at his mother's house. Claimant says it was necessary to hire a lawyer to avoid his mother's house being condemned. Claimant says the fees for the lawyer were \$1,000.

Class Counsel Recommends an award of \$5,586.

Defendants' Response:

In response, Defendants acknowledge that on June 7, 2005, MGSF officers stopped the car in which Claimant was a passenger, and that a 9mm handgun was confiscated. No Notice of Forfeiture was given to Claimant.

¹ The date of September 20, 2005 is erroneous. Defendants have submitted reports which reflect that the event in question actually occurred on June 7, 2005.

MGSF reports regarding this event also reflect that \$136 in cash was taken from Claimant and held by MGSF officers. An evidence receipt submitted by Defendants reflects that the cash was returned to Claimant on July 1, 2005.

The evidence received also reflects that the gun which was taken from Claimant was purchased on June 7, 2005 for \$318.44.

Defendants acknowledge that because no Notice of Forfeiture was given to Claimant, the value of the gun, plus interest, should be awarded to him.

With respect to the search of Claimant's mother's residence, Defendants state that this was entirely an operation of the Minneapolis Police Department, and that no MGSF officers were involved. Defendants have submitted reports consistent with that.

Claimant's Response to Defendants:

Claimant insists in his response that MGSF officers participated in the search of his mother's house.

Analysis:

Claimant is entitled to be compensated for the value of the pistol, plus interest. The value at the time of seizure was the purchase price of \$318.44.

There is insufficient evidence to conclude that MGSF officers were involved in the search of Claimant's mother's house.

Award:

I conclude that Claimant was subjected to a deprivation of rights, privileges, or immunities secured by the Constitution and laws, and that this deprivation occurred under color of law.

Claimant is awarded \$550.00.

COLLINS, BUCKLEY, SAUNTRY & HAUGH,
P.L.L.P.

Dated: July 16, 2012

By: /s/ Mark W. Gehan
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